

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LINDA FAIRSTEIN,

Plaintiff,

20-cv-8042 (PKC)

-against-

ORDER

NETFLIX INC., et al.,

Defendants.
-----X

CASTEL, U.S.D.J.

The parties are in disagreement as to the place of certain depositions of defendants' witnesses with the plaintiff arguing for New York and the defendants generally arguing for Los Angeles, where most of the defendants' witnesses reside.¹ Defendants rely heavily on a presumption that depositions should take place where the witness resides. See, e.g., Six W. Retail Acquisition v. Sony Theatre Mgmt. Corp., 203 F.R.D. 98, 107 (S.D.N.Y. 2001). That presumption may be overcome by a showing that cost, convenience and/or efficiency favor conducting the deposition outside of the witness' home district. Id. Plaintiff argues that these factors favor depositions in New York and also relies on the circumstance that defendants moved to transfer venue to the district and not to the Central District of California.

Having considered the submissions of the parties (Docs 109-113), the Court rules as follows:


1. The depositions of the individual defendants Ava DuVernay and Attica Locke shall take place in Los Angeles where they reside or do business on condition

¹ Defendant Netflix, Inc. ("Netflix") notes that it may designate a New York-based individual as one of its Rule 30(b)(6) witnesses in which event the individual will be examined in New York. Netflix counsel is based in Chicago and concedes that she will need to travel to either New York or Los Angeles for the depositions.

that counsel for Netflix, who maintains an office in Los Angeles, shall make the office available for the conduct of the depositions.

2. The depositions of any individual designated by Netflix, Inc. pursuant to Rule 30(b)(6), Fed R. Civ. P., shall take place in New York.
3. Any issue of costs associated with the depositions will be considered at the conclusion of the action as part of the process of taxation of costs.

SO ORDERED.


P. Kevin Castel
United States District Judge

Dated: New York, New York
April 20, 2022